

City of New Orleans Bureau of Purchasing Procurement Procedures



CITY OF NEW ORLEANS

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Prepared by:
City of New Orleans
Bureau of Purchasing
and GCR Inc.





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Procurement Procedure Updates

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Bureau of Purchasing Procurement Procedures

Overview and Purpose

This document serves as a reference document outlining all required procedures for compliance with the City of New Orleans's Federal Grant Procurement Policy for the formal procurement of any federally-funded goods, services, non-professional services, professional services or public works for the City of New Orleans. All procurements in which federal funds are contemplated or used must be conducted in accordance with federal procurement requirements. Purchasing works directly with each City of New Orleans ("the City") department for all procurement related activities. The requesting department is responsible for providing the justification for items submitted to Purchasing for procurement. Purchasing is responsible for providing all required forms and approvals for all procurements. All forms referenced in *italics* in this document (and listed below) are available to download from the Bureau of Purchasing's Website <http://www.nola.gov/purchasing/>. Section 1 of this manual provides an alignment of the methods of procurement outlined in 2 CFR 200.320 and the methods of procurement which the City follows. Section 2 outlines the specific step-by-step procedures which Purchasing follows to ensure that all procurements follow federal, state, and local guidelines.

Any interpretations, determinations or conflicts relating to the application or meaning of any of the procedures contained herein shall be made in the sole discretion of the Chief Procurement Officer or their designee. Any proposed changes to this document must be submitted in writing to and expressly approved by the Chief Procurement Officer.

Definitions

Public Works:

Public Works is defined by the definition below and Louisiana Revised Statute 38:2211 and City of New Orleans Policy Memorandum 113-R.

Goods, Non Professional Services and Materials:

Goods, non-professional services and materials is defined in Policy Memorandum 24-R.

Professional Services:

Professional Services are defined in City of New Orleans Policy 8-R. The Chief Procurement Officer possesses the sole discretion to determine whether a procurement constitutes Professional services in accordance with the definition found in Policy 8-R.

Forms

The below forms are referenced in the sections that follow:

- Informal Bid Quote Form
- Micro Purchase Professional Services Form
- Small Purchase Professional Services Form
- Bid Procurement Authorization Form – Public Works
- Bid Procurement Authorization Form – Materials and Supplies
- Bid Procurement Authorization Form –Non Professional Services
- Request for Professional Services Form
- RFP/RFQ Template
- Independent Cost Estimate Form (ICE)
- Cost Reasonableness Form
- Change Order Recommendation for Approval Form



- Plan Change Recommendation for Approval Form

Section 1: Methods of Procurement

1.1 Micro Purchases

2 CFR 200.320: *CFR states: Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable. Micro-purchase (2 CFR 200.67): means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of a non-Federal entity's small purchase procedures. The non-Federal entity uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.*

Public Works: The City shall not procure any public works regardless of value by micro-purchase. All public works procurements shall be made by competitive procurement. Public works procurements valued up to \$150,000 shall be considered “Small Purchases” and must be made utilizing the informal bid process described in Section 2.1, which requires the City to make efforts to reach out to qualified suppliers and obtain at least three (3) quotes.

Goods, Non-Professional Services and Materials: Micro-purchases of goods, non-professional services and materials shall include all procurements valued under \$1,000. All micro-purchases of goods, non-professional services and materials may be completed on departmental authority. Any procurements of goods, non-professional services and materials valued between \$1,000 and \$20,000 shall be considered “Small Purchases” and must be made utilizing the informal bid process described in Section 2.1(1)(a)(i)-(ii) below. Purchasing provides the *Informal Bid Quote Form* to the requesting department for completion. The requesting department must complete the form and submit to Purchasing with all required supporting documentation prior to procurement.

Note: These procurement requirements are more restrictive than 2 CFR 200.320 and 2 CFR 200.67.

Professional Services: Micro-Purchases of professional services shall include all procurement of such services valued under \$3,000. All micro-purchases of professional services may be completed on departmental authority. Purchasing provides the requesting department with a *Micro-Purchase Professional Services Form* which the requesting department must complete and provide all additional documentation required by the form, including, but not limited to, a written justification proposing contractor or selection of contractors for services sought. *Micro-Purchases Professional Services Forms* are submitted to Purchasing in order for the Chief Procurement Officer (CPO) to determine whether the services being sought constitute professional services, check the entity's debarment status, and determine if there is a conflict of interest.



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1.2 Small Purchases

2 FCR 200.320: *Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.*

Public Works: Small purchases of public works include all public works valued up to \$150,000. Public works procurements valued up to \$50,000, must be made utilizing the informal bid process described in Section 2.1, which requires the City to make efforts to reach out to qualified suppliers and obtain at least three (3) quotes. For public works valued between \$50,000 and \$150,000, the City must advertise the procurement on the Purchasing online portal and utilize the information bid process described in Section 2.1. All public works valued above \$15,000, shall also require Disadvantaged Business Enterprise (DBE) participation. The City strongly encourages DBE participation for public works valued under \$15,000, but it is not required. Purchasing provides the *Informal Bid Quote Form* to the requesting department for completion. The requesting department must complete the form and submit to Purchasing with all required supporting documentation prior to procurement.

Goods, Non-Professional Services and Materials: Small purchases of goods, non-professional services and materials, include procurements valued over \$1,000 but under \$20,000. For procurements valued over \$1,000 but under \$10,000, must be made utilizing the informal bid process described in Section 2.1(1)(a)(i), by obtaining at least one (1) quote and two (2) “no bids” whereby the vendor declined to provide a bid for the procurement. For procurements valued above \$10,000, but under \$20,000, must be made utilizing the informal bid process described in Section 2.1(1)(a)(ii), by reaching out to qualified suppliers and obtaining at least three (3) quotes. For all non-professional services procurements valued above \$15,000, Disadvantaged Business Enterprise (DBE) participation is required. For all non-professional services procurements valued under \$15,000, the City strongly encourages DBE participation, but it is not required. Purchasing provides the *Informal Bid Quote Form* to the requesting department for completion. The requesting department must complete the form and submit to Purchasing with all required supporting documentation prior to procurement.

Note: These procurement requirements are more restrictive than 2 CFR 200.320 and 2 CFR 200.67.

Professional Services: Small purchases of professional services include procurements valued between \$3,000 and \$15,000. For all small purchases of professional services, Purchasing requires the requesting department to make efforts to reach out to qualified entities to obtain up to three (3) bids.

Purchasing provides the requesting department with a *Small-Purchase Professional Services Form* which the requesting department must complete and provide all additional documentation required by the form. A requesting department may only contract with a particular contractor for a total of \$15,000 per calendar year. DBE preference is given for small purchases of professional services, but is not required. *Small-Purchase Professional Services Form* must be submitted to Purchasing in order for the CPO to determine whether the services being sought constitute



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professional services, check the entity's debarment status, and determine if there is a conflict of interest.

1.3 Formal Sealed Bids

2 CFR 200.320: *Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.*

(1) *In order for sealed bidding to be feasible, the following conditions should be present:*

- (i) *A complete, adequate, and realistic specification or purchase description is available;*
- (ii) *Two or more responsible bidders are willing and able to compete effectively for the business; and*
- (iii) *The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.*

(2) *If sealed bids are used, the following requirements apply:*

(i) *Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publically advertised;*

(ii) *The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;*

(iii) *All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;*

(iv) *A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and*

(v) *Any or all bids may be rejected if there is a sound documented reason.*

Public Works: For all public works bids over \$150,000, Purchasing follows the procedures outlined in Section 2.2 of this manual in accordance with State Public Bid Law. All requesting departments must complete the *Bid Procurement Authorization Form – Public Works* and include all front end documentation required by Purchasing, including, but not limited, to Architectural and Engineering documents and specifications. A formal list of all required front end documentation is provided with the *Bid Procurement Authorization Form – Public Works*. Upon receipt and review of all required documentation, Purchasing shall commence the formal bid process. All Public Works bids over \$15,000 must comply with DBE participation requirements.

Goods, Non-Professional Services and Materials: For all bids for goods, non-professional services and materials valued above \$20,000, the City utilizes a competitive bidding procurement process. Purchasing provides the requesting department with the *Bid Procurement Authorization Form- Non Professional Services* or *Bid Procurement Authorization Form- Materials and Supplies*, and a list of the required back up documentation. The requesting departments are required to complete the specification and submit to Purchasing along with all required back-up documentation. Upon receipt and review of all required documentation, Purchasing shall commence the competitive bidding process described in Section 2.2. All bids for goods, non-professional services, and materials over \$15,000 require DBE participation.



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Professional Services: Professional Services valued over \$15,000 are procured through Competitive Proposals process described in Section 2.3 All proposals for professional services valued above \$15,000 require DBE participation.

1.4 Procurement by Competitive Proposals

2 CFR 200.320: *The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:*

- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;*
- (2) Proposals must be solicited from an adequate number of qualified sources;*
- (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;*
- (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and*
- (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.*

Public Works: Procurement of Public Works is outlined in the Micro-Purchases, Small Purchases, and Formal Sealed Bid sections above.

Goods, Non-Professional Services and Materials: Procurement of goods, non-professional services, and materials is outlined in the Micro-Purchases, Small Purchases and Formal Sealed Bid sections above.

Professional Services: Professional services over \$15,000 are procured through a Request for Qualifications (RFQ) and/or Request for Proposals (RFP). All requesting departments must use standard RFP and RFQ templates provided by Purchasing. The requesting departments must work with Purchasing to draft an RFP or RFQ that contains clear description of the services to be performed the criteria for evaluation, and the scoring weight attached to each item. Upon review and receipt of the required documents, Purchasing shall commence the competitive proposal procedures described in Section 2.3. All professional services valued above \$15,000 require DBE participation.

1.5 Unique and Non-Competitive (Sole-Source)

2 CFR 200.320: *Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:*

- (1) The item is available only from a single source;*
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;*
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or*



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(4) *After solicitation of a number of sources, competition is determined inadequate.*

Public Works: State Public Bid Law requires that all public works valued above \$150,000 be procured via a competitive bid process and awarded to the lowest responsive and responsible bidder.

Goods, Non-Professional Services and Materials: Upon demonstrating that the procurement of goods, non-professional services and materials are not amenable to competitive procurement, and that unique and non-competitive procurement of goods is in the best interest of the City, the requesting department shall submit the *Bid Procurement Authorization Form – Non Professional Services or Bid Procurement Form Materials and Supplies*, and all additional required documents to Purchasing. Upon review and receipt of all required documents, Purchasing shall commence the unique and non-competitive procurement process described in Section 2.4.

Professional Services: Professional services over \$15,000 must be procured through a RFQ and/or RFQ in accordance to the competitive proposal procedures described in Section 2.3. The City shall ensure that the solicitations provide clear description of the work being performed and all contractor requirements to ensure that all vendors have adequate information to submit responses. If Purchasing receives an inadequate number of proposals, the CPO may determine whether to extend the deadline or cancel the RFP and revise or resolicit in an attempt to gather additional responses. If additional responses are received, Purchasing shall proceed with the competitive proposal procedures described in Section 2.3. If after numerous attempts, the City fails to receive additional responses, Purchasing shall determine whether to initiate the single proposal review procedures described in Section 2.3.

Section 2: Bureau of Purchasing Step by Step Procedures:

2.1 Informal Bids (Public Works and Goods, Non-Professional Services and Materials)

1. If HUD funds are used, the requesting department is responsible for completing Section 1- Pre solicitation of the CNO Federal Funding Procurement Checklist for HUD Grantees as applicable for informal bids, and Purchasing's Informal Bid Quote Form for each item being informally bid.
2. The requesting department must provide an ICE Form (for federally funded purchases) with all Informal Bid Quote Forms submitted to Purchasing for review. Additionally, the requesting department shall submit the below supporting documentation:
 - a. Three (3) quotes on the vendor's letterhead with the form.
 - b. For Goods and Non-Professional Services Only:
 - i. Informal Bids under \$10,000: Purchasing encourages three (3) written quotes but requires at least one (1) written quote and two (2) "no bids" is provided with the requesting departments written request for the solicitations. No bids are defined as when a bid is requested from a vendor, but the vendor declines to provide the bid.
 - ii. For Informal Bids which range between \$10,000 and \$19,999, three (3) quotes on vendor letterhead are required and must be submitted with the *Informal Bid Quote Form*.



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3. Purchasing Buyer reviews the *Informal Bid Quote Form* and supporting documentation (the informal bid package) to ensure all required documentation is provided by the requesting department.
4. Purchasing Buyer checks for the following items:
 - a. Requisition received by Purchasing.
 - b. Non-professional services and Informal Bids only: Contract with the entity.
 - c. Goods and Materials only: Purchase Order (PO) which serves as the contract.
5. Once Purchasing has received the above items and the informal bid package is reviewed, Purchasing provides copies of the PO delivered to the vendor and the requesting department. Purchasing retains one copy of the PO.
6. Purchasing maintains the procurement records.

2.2 Formal Sealed Bids (Public Works and Goods, Non-Professional Services and Materials)

1. As part of the pre-solicitation process, the requesting department completes one of the appropriate Bid Procurement Authorization Form for the item being procured (*Bid Procurement Authorization Form – Public Works, Bid Procurement Authorization Form –Non- Professional Services, or Bid Procurement Authorization Form- Materials and Supplies*), and if HUD funds are used, complete Section 1 of the CNO Federal Funding Procurement Checklist for HUD Grantees. Purchasing will provide the forms for all required front end documents to the requesting departments. The requesting department must complete all required forms and submit them to Purchasing along with the *Bid Procurement Authorization Form*. Failure to use the forms provided by Purchasing shall result in rejecting the proposed procurement and returning to the requesting department for corrections. The applicable *Bid Procurement Authorization Form* must be signed by the requesting department head and Chief Administrative Officer (CAO), or his/her designee. The form must be provided with the formal bid package which includes, but is not limited to, the following documents:
 - a. Front End Documents (not necessarily all inclusive):
 - i. Instructions to Bidders
 - ii. Form of Proposal
 - iii. Non-Collusion Affidavit
 - iv. Bidder Attestation Form
 - v. Sample Agreement Form
 - vi. Bond and Certificates
 - vii. Payroll Reporting
 - viii. General Conditions of the Contract
 - ix. Special Conditions for the Contract (if applicable)
 - x. Section 3 Plans for Contractors (for federal contracts)
 - xi. DBE Form
 - xii. Tax Clearance Form
 - xiii. General Terms and Conditions for Contracts with the City
 - b. Specifications
 - c. Completed Independent Cost Estimate (ICE Form) (for federal contracts)
 - d. Date and time of the public reading of bids
2. The Purchasing Buyer assigned to the procurement reviews the package and completes the Invitation to Bid Form sections as applicable.
3. CPO performs a fiscal review and authorization of the bid.



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4. Once the Buyer approves the bid package, and receives the fiscal authorization from the CPO, the bid is released.
5. Purchasing then prepares the authorized bid package for advertisement.
6. Public Works bids are advertised for a minimum of twenty-five (25) days via Purchasing's on-line portal and in the Official Journal (newspaper) of Record.
7. Goods, non-professional services and materials are advertised for a minimum of twenty-one (21) days via Purchasing's on-line portal and in the Official Journal (newspaper) of Record.
8. The Bureau of Purchasing shall determine whether to host a pre-bid conference. All pre-bid conferences must be held at least ten (10) days after the first newspaper advertisement is published.
9. Purchasing may issue any addenda up to three (3) days prior to the bid opening without having to change the opening date.
10. Purchasing may receive formal sealed bids via the following mechanisms:
 - a. Via Purchasing's on-line portal.
 - b. Delivered in person to the City.
 - c. Delivered via US Mail service (USPS, UPS, FedEx, etc.). Submission date shall be deemed the date received by Purchasing.
11. The opening of bids occurs at the Bureau of Purchasing Office on the date and time identified in the formal bid package.
12. Purchasing completes the bid tabulation and a responsiveness review and identifies the two apparent lowest responsive bidders at the bid opening.
 - a. Within three days of the bid opening, the two apparent lowest bidders must submit the required DBE participation documentation and any other post-bid documentation expressly required in the Invitation to Bid and or bid specifications.
 - b. Purchasing, in connection with the Office of Supplier Diversity shall then review the completed DBE participation forms to determine responsiveness.
13. Once the lowest responsive bidder has been determined, the requesting department conducts the responsibility review.
14. If HUD funding is used, Section 2 of the Procurement Checklist for HUD Grantees must be completed
15. Upon completion of the responsibility check(s), the requesting department shall submit a bid recommendation form to the Purchasing.
16. Purchasing shall then issue an Intent to Award Letter to the recommended responsible and responsive bidder.
17. Purchasing may reject bids for the following reasons:
 - a. Bid is turned in after the date and time noted in the Invitation to Bid.
 - b. The bidder failed to provide a copy of their contractor's license on the outside of the sealed bid.
18. Purchasing will document the procurement file if the bid is rejected.
19. The requesting department, in connection with the Law Department shall negotiate and effectuate a contract with the awarded bidder for the Mayor's signature.
20. Upon full execution by all parties, Purchasing shall issue the PO based upon a pre-encumbered requisition in the City's financial system.
21. The requesting department shall then issue a notice to proceed.
22. Purchasing shall maintain all formal procurement records.



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2.3 Procurement by Competitive Proposals

1. As part of the Pre-Solicitation process, and to initiate the procurement by competitive proposals, the requesting department must submit the *Request for Professional Services Form* to Purchasing, along with the following documents:
 - a. Completed Attachment A of the RFQ or RFP on the required Purchasing-approved template.
 - b. All evaluation criteria with their respective weights (DBE must represent at least 10% of the weighted criteria).
 - c. Insurance requirements from the Office of Risk Management.
 - d. Completed ICE Form (for federal contracts)
2. Purchasing shall reject and return any proposals not submitted in the required template(s).
3. Purchasing shall complete all other required parts of the RFQ/RFP template, including, but not limited to:
 - a. Standardized disclosure forms for respondents to identify any possible conflicts of interest.
 - b. Secondary disclosure forms for respondents to identify any proposed subcontractors.
4. Purchasing shall complete a fiscal review and authorization by the CPO.
5. Upon final authorization, Purchasing shall release the RFQ or RFP for advertisement. All RFQs and RFPs must be advertised for a minimum of two (2) consecutive weeks via Purchasing's on-line portal and in the Official Journal (newsletter) of the City.
6. For RFQs, the process is designed to maximize the number of qualified firms able to compete for the project.
7. For RFPs, the goal is to try to obtain at least three proposals from qualified contractors.
8. The CPO shall establish a Selection Committee with relevant subject matter experts. The committee must consist of five individuals consisting of:
 - a. The manager of the requesting department, or designee;
 - b. The first deputy Mayor – CAO, or designee;
 - c. City employee who will manage and monitor the contract;
 - d. Professional from within local government who possesses expertise in the relevant field; and
 - e. The Chief Financial Officer or designee.
9. All meetings of the Selection Committee shall be open to the public and conducted in accordance with Louisiana Open Meetings Law.
10. Prior to the selection committee's review, all Selection committee members must complete a Conflict of Interest form attesting that they do not possess a conflict of interest with any of the respondents.
11. Any vendor performance evaluation form(s) from previous City contract(s) with any respondents shall be sent in advance to the selection committee members.
12. The Selection Committee shall first review the technical proposal and provide a rating accordingly.
13. Upon completion of the technical proposal review, the Selection Committee shall open and review the separate price proposals.
14. The Selection Committee shall then take the proposal rating and proposed price into consideration to determine which proposal provides the best value to the city.



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15. If the Selection Committee determines that the lowest priced proposal does not provide the best value to the City, the Committee shall explain the reason(s) for its decision in writing.
16. Purchasing shall then provide all proposers (selected and not selected) with written notification as to whether they were selected.
17. Upon final selection by the Selection Committee, the requesting department shall begin the contracting process with the selected respondent.
18. Purchasing shall maintain all formal procurement records.

2.4 Unique and Non-Competitive Procurement (sole-source)

1. As part of the solicitation process, the requesting department must request non-competitive procurement of good, non-professional service, or material from the Chief Procurement Officer.
2. The requesting department's request must include the following:
 - a. Completed *Bid Procurement Authorization Form – Materials and Supplies*
 - i. The type of request: Other must be selected
 - ii. CAO approval (required on the *Bid Procurement Authorization Form – Material and Supplies*).
 - b. Letter from the department head requesting the non-competitive procurement that explains why the procurement is not amenable to competitive procurement and value to the City of such a procurement.
 - c. Letter from the vendor describing the service, material, or good to be provided
 - d. Completed ICE Form (for federal contracts)
3. The CPO shall review all required documentation provided and approve or deny non-competitive procurement in his or her sole discretion.
4. Upon approval of non-competitive procurement, the requesting department shall either begin the contracting process, or if permitted to proceed solely with a purchase order, notify Purchasing to issue the PO, based upon a pre-encumbered requisition in the City's financial system.
5. If proceeding solely with under a PO, Purchasing shall provide copies of the PO delivered to the vendor and the requesting department. The Bureau of Purchasing shall retain one copy of the PO.
6. Upon receiving a fully-executed contract or issuance of the PO, the requesting department shall issue the notice to proceed.
7. Purchasing shall maintain all formal procurement records.

2.5 Non Responsive or Not Responsible Respondents

1. If a respondent is determined to be non-responsive or not responsible, Purchasing sends a written letter to the agency stating the reasons for determination.
2. For Formal sealed bids, Purchasing will only send a Responsive/Responsibility letter for the two lowest bids.
3. The Purchasing Buyer ensures that copies of Responsive/Responsibility letters are located in purchasing's procurement file.
4. For Public Works only: Not responsible bidders have 5 days after receipt of letter to request a hearing with the Administrative Hearing Officer.
5. Purchasing is prohibited to award to the next lowest bidder until hearing is completed.
6. If the lowest bidder is deemed responsible as a result of the hearing, they are awarded the bid.



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2.6 Procurement Protest Procedures

1. Actual or prospective bidders and respondents capable of submitting responsive and responsible bids or proposals may protest of the form of solicitation, the content of the solicitation itself, including but not limited to the conditions, specifications and/or requirements, or the selection.
2. Selection protests may only be filed by actual bidders or respondents who would then be selected if the protest is successful.
3. All protests regarding the type of solicitation or content of the solicitation must be filed no later than seventy-two (72) hours prior to the bid or proposal submission deadline. Failure to timely file such a protest shall constitute a waiver of all rights to challenge the type of solicitation or content of the solicitation.
4. All selection protests, including all supporting documents, must be filed no later than earlier of the close of business fifteen (15) days from the following:
 - a. The vendor knew or should have known of the factual basis for its protest; or
 - b. The City's execution of any contract arising from the selection.
5. All protests must be filed in writing and submitted to the CPO via e-mail, facsimile, mail or hand delivery.
6. All protests must include the following, at a minimum:
 - a. Identification of the solicitation at issue including any solicitation number;
 - b. The protestor's name, address, fax and telephone numbers, and e-mail address;
 - c. A description of the protestor's standing to submit the protest;
 - d. A clear and detailed statement of all legal and factual grounds for the protest, including appropriate references to the specific section of any materials
 - e. A selection protest shall not include explanation or advocacy of any grounds for protesting the type of solicitation or content of the solicitation;
 - f. All documents, with an index, that the protestor believes necessary to assess the legal or factual basis of the protest; and
 - g. A statement of the specific relief requested.
7. Protests that fail to meet any of the above requirements may be rejected. The City shall not consider any grounds for a protest not expressly included in the protest filings.
8. The CPO shall notify the requesting department of any protests and invite the requesting department to provide a written response to the protest.
9. The CPO shall notify the selected person(s) of any selection and allow the selected person(s) the opportunity to provide a written response within five (5) calendar days of notification.
10. If the protest is DBE-related, the CPO will notify the Office of Supplier Diversity (OSD) and invite OSD to provide a written response to the protest.
11. The CPO will promptly review and resolve all protests solely upon the basis of the written protest, the solicitation, selected person's response (if applicable) and any City-department responses.
12. No hearing will be provided.
13. The CPO will provide the protester, the selected person(s) (if applicable), and all involved City-departments with a written decision stating the reasons for the decision.
14. Any waivers to this procedure must be approved by the CAO in writing.

2.7 Emergency Procurement Procedures

For State-declared emergencies, the city follows procurement procedures which adhere to the tenets of competitive procurement to the extent practicable, while ensuring that the City maintains the flexibility it needs to meet the needs of the emergency.



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Declared Emergencies defined within the Louisiana Homeland Security and Emergency Assistance and Disaster Act La. R.S. 29:721 et seq confers upon the Mayor of the City of New Orleans emergency powers to deal with emergencies and disasters of unprecedented size and destructiveness resulting from terrorist events, enemy attack, sabotage, or other hostile action or from fires, flood, earthquake or other natural or manmade causes.

1. All emergency procurements of goods or services during a declared emergency require written approval by the New Orleans Office of Homeland Security and Emergency Preparedness (NOHSEP) Director and the issuance of a PO from Purchasing.
2. Normal procurement procedures outlined in this manual shall continue during emergencies subject to two (2) exceptions:
 - a. NOHSEP Director and the CPO or their respective designees may waive competitive procurement requirements for movable objects. For approved non-competitive procurements, Purchasing will contact or locate an available supplier or provider and complete the transaction by PO.
 - b. Departments should follow normal competitive procurement unless it can demonstrate that a competitive market does not exist or extreme urgency exists.
3. Emergency Professional services procurements valued above \$15,000 must be conducted with as much competition as practicable under the circumstances.
4. Procurement specifications must have the same requirements as those generally required under normal circumstances and must allow for equivalent products.
5. DBE requirements are encouraged but not required during periods of declared emergencies.
6. Requesting departments are responsible for maintaining all records related to emergency procurements, including resource requests, requests for solicitations (Attachment A), any non-competitive justifications, and vendor quotes support (requesting departments may use phone bids if applicable).
7. Any purchases made related to the declared emergency that circumvent any of the procedures outlined herein will not be considered reimbursable and the department agency or board responsible for the purchase will bear full financial responsibility from its yearly appropriation.

2.8 Debriefing Procedures

1. Debriefings of successful and unsuccessful offerors may be done in writing, or by any other method acceptable to the CPO.
2. The CPO should normally chair any debriefing session held. Individuals who conducted the evaluations and the requesting department shall provide support.
3. At a minimum, the debriefing information shall include:
 - a. A summary of the rationale for award;
 - b. For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror; and
 - c. Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.
4. The debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors. Moreover, the debriefing shall not reveal any information concerning:
 - a. Trade secrets;
 - b. Privileged or confidential manufacturing processes and techniques



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- c. Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information;
 - d. The names of individuals providing reference information about an offeror's past performance.
- 5. An official summary of the debriefing shall be included in the procurement file held with Purchasing.

2.9 Change Orders

2.9.1 Change Orders – Increase of Funding (Public Works only)

1. Change Order Procedures are only for Formal Bids for Public Works only. Change Orders may not be used for informal bids.
 - a. The requesting department submits completed Change Order Recommendation for Approval Form or a Plan Change Recommendation for Approval Form as applicable and all supporting documents to Purchasing to commence the Change order process.
 - i. Supporting documents include but are not limited to:
 - ii. Completed ICE Form (for federal contracts)
 - iii. Completed Requisition by the requesting department.
 - b. Requesting department may use Change Order Recommendation for Approval Form or Plan Change Recommendation for Approval Form subject to the following conditions:
 - i. If the proposed change order is under \$10,000, only requesting department head is required to sign.
 - ii. If the proposed change order is \$10,000.01, then both requesting department head and CAO are required to sign.
 - c. Prior to submission to Purchasing, the requesting department shall pre-encumbered the value of the proposed change order as a requisition in the City's financial system.
 - d. Upon submission to Purchasing, the assigned buyer shall review the Change Order Recommendation for Approval Form or Plan Change Recommendation for Approval Form and all supporting documents.
 - e. In accordance with State law, the CPO, in consultation with the requesting department, must determine whether the proposed change order is within or outside of the scope of the original procurement.
 - i. If the proposed change order is within the scope of the original procurement, then cost is negotiated with the vendor for the best interest of the public entity, and Purchasing shall issue a purchase order for the approved change order.
 - ii. If the proposed change order is outside the scope of the original procurement, then the CPO shall inform the requesting department and notify them that the change order must be let out for public bid and instruct them to commence formal procurement procedures.
 - f. Upon Purchasing issuance of a purchase order, the requesting department shall issue the vendor a Notice to Proceed.
 - g. All change order forms and supporting documents shall be added to the formal procurement record for the original procurement.

2.9.2 Change Orders - Decreasing Funds- (Public Works only)

1. Requesting department shall submit completed Change Order Recommendation for Approval Form signed by the Requesting department head.
2. The assigned Purchasing Buyer shall reduce the original procurement purchase order by the amount identified in the Change Order Recommendation for Approval Form.
3. Purchasing shall then issue a revised purchase order to the vendor and requesting department.



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4. All change order forms and supporting documents shall be added to the formal procurement record for the original procurement.

2.9.3 Changes to Contracts (Professional Services, Goods, Materials, and Non-Professional Services):

1. Professional Services, Goods, Materials, and Non-Professional Services agreements shall be amended via formal contract amendment.
2. The requesting department and vendor shall negotiate all terms and conditions relating to the contract amendment.
3. Upon reaching agreement on the terms and conditions of the contract amendment, the Requesting Department shall commence the contract routing process and attach all required documents in the City's contracting system. Required forms include a completed ICE form (for federal contracts) and all required supporting contract documents.
4. Upon submission of the contract amendment, the amendment must be approved by all identified City personnel including the CAO, CPO and Director of Finance.
5. The requesting department and Legal Department shall maintain copies of contracts and contract amendments thereto.

Section 3: Procurement Summary Charts

3.1 Public Works

Public Works	Thresholds	Procurement type	Advertisement Period
	Under \$150,000	Informal Bid	For procurements ranging \$0.00- \$49,999, there is no formal advertising. For procurements ranging from \$50,000- \$149,999, the solicitation is advertised on the City's on-line procurement portal. The requesting department is required to reach out to vendors and suppliers and obtain at least three (3) quotes.
	Above \$150,00	Formal Sealed Bid	A minimum of twenty-five (25) days and publication in the Official Journal of the City, supplemental publications, and the City's on-line procurement portal.
DBE	Above \$15,000		



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3.2 Goods, Non-Professional Services, and Materials

Goods, non-professional services, and materials	Thresholds	Procurement type	Advertisement Period
	Under \$10,000	Informal Bid	Encourages three (3) written quotes but requires at least one (1) written quote and two (2) “no bids” is provided with the requesting departments written solicitation request.
	\$10,000-\$19,999	Informal Bid	No formal advertising, three (3) quotes are required.
	\$20,000 and above	Formal Sealed Bid	A minimum of twenty-one (21) days and publication in the Official Journal of the City, supplemental publications, and posted on the City’s on-line procurement portal.
DBE	Above \$15,000		

3.3 Professional Services

Professional Services	Thresholds	Procurement type	Advertisement Period
	Under \$15,000	Informal Proposals	No formal advertising, must complete a <i>Micro-Purchase Professional Services Form</i> (under \$3,000) or a <i>Small-Purchase Professional Services Form</i> (\$3,001-\$14,999).
	\$15,000 and above	Procurement by Competitive Proposals	At a minimum of two (2) consecutive weeks and at least one publication in the Official Journal of the City, supplemental publications, and posted on the City’s on-line procurement portal.
DBE	Above \$15,000		